

Application No.: 09/925553

Case No.: 56950US002

Remarks

All previously pending claims (i.e. claims 15-30) have been canceled, and claims 31-47 have been added. Claims 31-47 are pending. Support for new claims 31-47 appears throughout the specification and, more particularly, as follows:

<u>Claim</u>	<u>Support</u>
31	Canceled claim 15, page 3, lines 1-16, page 4, lines 1-13 and in the Example
32	Canceled claim 19
33	Canceled claim 20
34	Canceled claim 21
35	Canceled claim 22
36	Canceled claim 23
37	Canceled claim 24
38	Canceled claim 25
39	Canceled claim 26
40	Canceled claim 29
41	Page 9, lines 30-31
42	Canceled claim 15, page 3, lines 1-16, page 4, lines 1-13 and in the Example
43	Canceled claim 29, and in the Example
44	Canceled claim 15, page 3, lines 1-16, page 4, lines 1-13 and in the Example
45	Canceled claim 17
46	Canceled claim 18
47	Canceled claim 18

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Claims 15-18, 21-23, and 25-29 stand rejected under 35 USC § 102(b) as being anticipated by Wilson (US 5,502,937). Claim 24 stands rejected under 35 USC § 103(a) as being unpatentable over Wilson in view of Eiermann (US 4,584,214). Claims 19, 20, and 30 stand rejected under 35 USC § 103(a) as being unpatentable over Wilson in view of Sakno (5,634,304).

All previously pending claims have been canceled and new claims 31-47 have been added in an attempt to present the full scope and breath of the invention in a form more acceptable to the Examiner. New independent claim 31 is directed to a fire barrier assembly for fire stopping an opening in a partition. The first barrier assembly includes a plurality of fire stop articles arranged in the opening. Each fire stop article is defined as including an interior insulating material and an intumescent material comprising filler, binder, and a hydrated alkali metal silicate intumescent component arranged around the interior insulation material.

New independent claim 42 is directed to a method of fire stopping an opening in a partition by arranging a plurality of fire stop articles in the opening. Again, each fire stop article is defined as including an interior insulating material and an intumescent material comprising filler, binder, and a hydrated alkali metal silicate intumescent component arranged around the interior insulation material.

And new independent 44 is directed to a fire barrier installation including a partition containing an opening and a plurality of fire stop articles arranged in the opening, wherein each fire stop article is defined as including an interior insulating material and an intumescent material comprising filler, binder, and a hydrated alkali metal silicate intumescent component arranged around the interior insulation material. None of the cited references discloses, teaches, or suggests a fire barrier assembly as defined in new independent claim 31, a method of fire stopping an opening in a partition as defined in new independent claim 42, or a fire barrier installation as defined in new independent claim 44. More specifically, none of Wilson, Eiermann, or Sakno disclose arranging a plurality of fire stop articles in an opening to form a fire barrier in the opening without the aid of a secondary support structure, wherein the fire stop article includes an interior insulating material and an intumescent material comprising filler, binder, and a hydrated alkali metal silicate intumescent component arranged around the interior insulation material. Accordingly, independent claims 31, 42, and 44 are believed to be patentable over the cited

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references. The remaining dependent claims, as depending from allowable claims, are also deemed to be in condition for allowance.

In view of the above, it is submitted that the application is in condition for allowance. Reconsideration of the application is requested.

Respectfully submitted,

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Date

By: David B. Patchett
David B. Patchett, Reg. No.: 39,326
Telephone No.: (651) 736-4713

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833

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